

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Preston Allotment #10492

Grazing Permit

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0068-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



PROPOSED ACTION: The proposed action is to issue a three year permit to the base property lessee of the Preston Allotment (#10492). The term of the permit will be 11/01/2012 to 12/31/2015 which coincides with the term of the base property lease. No changes would be made to the number of active AUM's, kind of livestock, percent public land or type of use. The permit would be issued as follows:

GR # 2503809

Allotment Name	Allotment Number	Pasture	Livestock		Grazing Period		% PL	Type Use	AUMs
			Number	Kind	Begin	End			
Preston	10492	Windmill	83	Cattle	06/01	10/30	87	Active	361
		Carrying Capacity	9	Cattle	03/01	02/28	100	Custodial	108

Total Active AUMs: 469

Terms and Conditions:

Season of use in the Windmill Pasture will not exceed three months annually.

Season of use in the Windmill Pasture will be alternated annually.

Permittee must apply annually and coordinate season and numbers with BLM personnel before turning into the Windmill Pasture.

Line 2 is for BLM lands outside the Windmill Pasture.

Grazing is authorized during the listed season for the recognized capacity of the public land.

Livestock will not be on the public land continuously for the entire season.

Livestock numbers are not restricted.

The term of the permit will run from November 01, 2012 to December 31, 2015, which coincides with the end date on the base property lease. Provided that current monitoring information indicates that range conditions are in conformance with 43 CFR 4180, the permit may be renewed upon renewal of the base property lease through December 31, 2022



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-7000

www.blm.gov/mt

In Reply Refer To:

4100 (MTC021)

GR# 2503809

April 10, 2013

McGill Land and Livestock
294 East Powderville Road
Powderville, MT 59345

Certified Mail No: 70113500000345171695

Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Preston Allotment No. 10492 is located approximately 20 miles northeast of Broadus, Montana, in Powder River County. The allotment consists of 2,184 acres of BLM lands, 2,609 acres of private lands and 320 acres of State Lands. The BLM acreage on the Preston Allotment has 469 AUMs of active use. The allotment was analyzed and determined to not be meeting the Standards and Guidelines for Rangeland Health in 1999, but subsequent field visits in 2009 and 2012 showed that vegetative conditions appear to be trending toward meeting Standards and Guidelines for Rangeland Health.

McGill Land and Livestock submitted a lease agreement for the base property for the Preston Allotment. In addition, they also submitted Form 4130-1 (Grazing Application-Grazing Schedule), Form 4130-1a (Grazing Application-Preference Summary), Form 4130-1b (Grazing Application-Supplemental Information) and Form 4120-8 (Assignment of Range Improvements).

In January 2013, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2013-0068-EA) to analyze the issuance of the BLM grazing permit. The proposed action listed that the total active use for the Preston Allotment would be 469 AUMs. A Finding of No Significant Impact (FONSI) was signed by the authorized officer on March 7, 2013.

PROPOSED DECISION

Therefore it is my proposed decision to issue a BLM grazing permit, which authorizes the grazing of the Preston Allotment No. 10492 to McGill Land and Livestock. The term of the grazing permit will be from November 1, 2012 to December 31, 2015. The grazing permit will be issued as follows:

GR # 2503809

Allotment Name	Allotment Number	Pasture	Livestock		Grazing Period		% PL	Type Use	AUMs
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Total Active AUMs: 469

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Grazing is authorized during the listed season for the recognized capacity of the public land.

Livestock will not be on the public land continuously for the entire season.

Livestock numbers are not restricted.

The term of the permit will run from November 01, 2012 to December 31, 2015, which coincides with the end date on the base property lease. Provided that current monitoring information indicates that range conditions are in conformance with 43 CFR 4180, the permit may be renewed upon renewal of the base property lease through November 1, 2022.

RATIONALE

The issuance of the grazing permit is provided through a lease agreement showing control of the base property for this allotment being submitted to the BLM. The base property lease contains the legal descriptions of the base property associated with this allotment.

Upon receiving all forms, the Miles City BLM Field Office interdisciplinary team initiated a Documentation of NEPA Adequacy (DOI-BLM-MT-C020-2013-0098-EA) to analyze the issuance of the grazing permit for the allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on March 7, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that McGill Land and Livestock meets the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

AUTHORITY

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

§4110.1 Mandatory qualifications

§4110.2-1 Base property.

§4110.2-2 Specifying permitted use.

§4130.2 Grazing permits or leases

§ 4120.2 Allotment management plans and resource activity plans.

§ 4120.3-2 Cooperative range improvement agreements.

§4130.3 Terms and conditions

§4130.3-1 Mandatory terms and conditions

§4130.3-2 Other terms and conditions

§4130.3-3 Modification of permits and leases

§4160.1 Proposed decisions

§4160.2 Protests

§4160.3 Final decisions

§4160.4 Appeals

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice.

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b)(1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed two copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the authorized officer, you will be provided with a signed copy for your records.

Also enclosed is a copy of your BLM allotment map. Review the enclosed map and notify this office of any inaccuracies. Please mark fenceline locations and return the edited map to the office.

If you have any questions on this document please contact Philip Reiersen, Rangeland Management Specialist, at (406) 233-3144 or Reyer Rens, Supervisory Rangeland Management Specialist, at (406) 233-2866.

Sincerely,



Todd D. Yeager
Field Manager

Enclosed:

- 1) BLM Grazing Permit (2 copies: please sign and return to the Miles City Field Office)
- 2) Allotment Map

Reiersen:lrn:4/9/2013:Preston_Transfer_Decision_Letter_Reiersen_2013